

MISSOURI COURT OF APPEALS WESTERN DISTRICT

COMPLETE TITLE OF CASE

CITY OF KANSAS CITY, MISSOURI,

Respondent,

v.

GEORGIA J. CARLSON,

Appellant.

DOCKET NUMBER WD72198

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: October 26, 2010

APPEAL FROM

The Circuit Court of Jackson County, Missouri
The Honorable Gregory B. Gillis, Judge

APPELLATE JUDGES

Division Two: Joseph M. Ellis, Presiding Judge, and Alok Ahuja and Karen King Mitchell, Judges

ATTORNEYS

Megan Pfannenstiel and Lowell C. Gard, Assistant City Prosecutors
Kansas City, MO

Attorneys for Respondent,

Jonathan Sternberg
Kansas City, MO

Attorney for Appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT

properly enact and enforce ordinances designed to protect the public health and safety as part of its police power. The smoking ordinance at issue in this case is such an ordinance, and health department inspectors may properly issue violation notices to persons violating the ordinance. In issuing the violation notice in this case, Niefert had no power to arrest Carlson, nor did he attempt to do so. Therefore, he was not acting as a peace officer and did not require a license under RSMo section 590.020.3(1).

Opinion by: Karen King Mitchell, Judge

October 26, 2010

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THIS SUMMARY IS **UNOFFICIAL** AND SHOULD NOT BE QUOTED OR CITED.